

Message Text

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64

ORIGIN L-02

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DRAFTED BY L/NEA:BKHUFFMAN:DSC

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EB/CBA/OCA:NLAAS

SCA/SCS:LLANE(INFO)

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FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

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E.O. 11652: N/A

TAGS: BGEN, IR

SUBJECT: CONDUCT OF AMERICAN BUSINESS IN IRAN

REF: TEHRAN 6281

1. OUR PRINCIPAL CONCERN WITH AFFIDAVIT AT THIS TIME RELATES TO REFERENCE IN PARA 5 TO POSSIBILITY OF QTE TERMINATION, CESSATION OR LIQUIDATION BY THE GOVERNMENT OF THE BUSINESS ACTIVITIES FOR CAUSE UNQTE. WE DO NOT ACCEPT PREMISE THAT MISSTATEMENT IN AFFIDAVIT MAY BE PROPER BASIS UNDER INTERNATIONAL LAW FOR EXPROPRIATION OF U.S. INVESTMENT. ACCORDINGLY, WE QUESTION WHETHER NOTARIZING AFFIDAVIT IN PRESENT FORM WOULD BE CONSISTENT WITH U.S. PUBLIC POLICY (SEE 7 FAM 814) RELATED CONCERN IS THAT OUR NOTARIZING OF AFFIDAVIT MIGHT IMPEDE POSSIBLE USG EFFORTS TO ASSERT CLAIM FOR PROPERTY EXPROPRIATED IN ACCORDANCE WITH TERMS OF AFFIDAVIT.

2. IN LIGHT OF FOREGOING, WE WONDER IF SHORER FORM AFFIDAVIT, SUCH AS THAT DESCRIBED REFTTEL PARA 4 CONTAINS OBJECTIONABLE PASSAGE AND, IF NOT, WHETHER SIMILAR FORM MIGHT BE UTILIZED BY US COMPANIES AS ALTERNATIVE. WOULD ORIGINAL FORM AFFIDAVI BE ACCEPTABLE TO GOI IF OBJECTION-

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ABLE PASSAGE WERE EXCISED?

3. IF LATTER ALTERNATIVES NOT FEASIBLE, REQUEST EMB SEEK
BEST ASSESSMENT PRESENTLY AVAILABLE OF LIKELY SUBSTANCE OF
LEGISLATION ENFORCING ABOVE PROVISION. INGERSOL

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